APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,897	10/31/2001	Meurig Sage	P-6305 (301446-000022)	7480

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EXAMINER
TANG, KAREN C

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No.	Applicant(s)
		10/002,897	SAGE ET AL.
		Examiner	Art Unit
		Karen C Tang	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/31/01* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

I. Claims 1, 8, 12, and 15 are rejected under 35 U.S.C. 101 because

the claimed invention lacks patentable utility. In Claims 1, since there is no defined

definition for the data carrier, it makes the claimed unclear. In Claim 12, Examiner

interprets the word "communication" as being "communicating" in signal. In Claims 8

and 15, codes cannot be patentable because the word "information appliance" is

referring to a program codes.

To expedite a complete examination of the instant application the claims rejected

under 35 U.S.C 101 (nonstatutory) above are further rejected as set forth below in

anticipation of application amending these claims to place them within the four statutory

categories of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

II. Claims 1-9 and 12 –18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (US 6,553,410).

1. Referring to Claims 1, 8, and 12, Kikinis discloses a computer program product for automatically gathering data (refer to Col 3, Lines 55-67) from remote and local computer-based data sources (Proxy Server 19, refer to Fig 1 and 2, which inherently provides information) and using gathered data to update (refresh, refer to Col 3, Lines 55-67) an information appliance (PDA, refer to Col 9, Lines 1-20) comprising computer program code (it is inherent that web page comprises numerous code) recorded on a data carrier (server, refer to Col 3, Lines 60-67), said computer program code comprising:

code for loading (refer to Col 9, Lines 8-25) a set of rules (software, refer to Col 9, Lines 8-25) to permit said program to define a set of links (refer to Col 7, Lines 35-50) between said information appliance and said remote or local source;

instantiating code (it is inherits that URL is a set of code which consists rules that would gather data at the destination. Refer to Col 7, Lines 15-30) for instantiating said set of rules to gather data from said remote or local data source;

communication code (interactive selection link – type of codes which refer to Col 7, Lines 35-50) for permitting said information appliance to communicate with said local or remote data source,

and updating code (refer to Col 8, Lines 45-60) for updating data stored in said

information appliance based on data gathered from said remote or local data source

(refer to Col 9, Lines 14-25).

2. Referring to Claim 2, Kikinis discloses wherein said code (URL, refer to Col 8, Lines

35-40) for permitting (URL allow accessibility to the resource) said information

appliance: to communicate with said local or remote data carrier is provided by network

code (URL, Col 9, Lines 24-45) for providing a distributed communications mechanism

(interactive selection link, refer to Col 7, Lines 35-50) for use with remote data sources

(proxy server or personal computer, refer to Col 9, Lines 24-35).

3. Referring to Claim 3, Kikinis discloses wherein said network (refer to Title) includes a

code section (URL, refer to Col 9, Lines 24-45, it is inherent that URL consists of sets of

code which guides the browser to access information on the remote data resource)

which is located at said remote data source (Proxy Server 19, refer to Fig 1 and 2,

which inherently provides information).

4. Referring to Claim 4, Kikinis discloses wherein said communicating code (interactive

selection link – type of codes which refer to Col 7, Lines 35-50) is provided by code for

querying local data sources (Proxy Server 19, refer to Fig 1 and 2, which inherently

provides information) and listening code (entry field waiting for user to input information

– refer to Col 9, Lines 30-45) for detecting when data values change (URL, refer to Col

9, Lines 30-45 is subject to change due to the user's choice).

5. Referring to Claim 5, Kikinis discloses wherein said updating code (refer to Col 8,

Lines 45-60) includes code means for updating collection (data) and individual data

values (appointments within PDA, refer to Col 8, Lines 45-60) automatically without

input from a user (information automatically synchronize when link/connect the devices).

6. Referring to Claim 6, Kikinis discloses wherein said updating code (refer to Col 8,

Lines 45-60) is provided by user interface code (web page, refer to Col 7, Lines 20-30)

for providing a summary (refresh page or display is the summary of gathered data, refer

to Col 8, Lines 45-60) of gathered data to said user and user responsive code (input

data, refer to Col 8, Lines 35-40) means for accepting or rejecting said data (refer to Col

7, Lines 39-50).

7. Referring to Claim 7, Kikinis discloses transform code (code, which embedded within

Proxy server which assist with transforming data, refer to Col 8, Lines 15-30) for

transforming data between a first format (HTML, refer to Col 8, Lines 15-30) to a second

format (forms which readily usable, refer to Col 8, Lines 15-30) as required by a local or

remote data source (Proxy Server 19, refer to Fig 1 and 2, which inherently provides

information) connected to said information appliance (PDA, refer to Col 9, Lines 1-20).

8. Referring to Claims 9 and 15, Kikinis discloses a system for automatically gathering

data (refer to Col 8, Lines 45-60) from remote and local computer-based data sources

(Proxy Server 19, refer to Fig 1 and 2, which inherently provides information) and using

gathered data to update an information appliance (PDA, refer to Col 9, Lines 1-20)

coupled said system (PDA is also a type of system, refer to Col 9, Lines 1-20 which

coupled with the Proxy Server via a link, refer to Col 8, Lines 45-60), said system

comprising: at least one information appliance (World Wide Web, refer to Col 7, Lines

20-30) for use by a user for gathering sources (refresh, refer to Col 3, Lines 55-67), at

least one local or remote data source electronically (connect via TCP/IP protocol, which

is electronic connection) coupled to said information appliance

and a computer program (NanoBrowser program, refer to Col 8, Lines 5-15) stored in at

least one information appliance for (within PDA, refer to Col 8, Lines 5-15):

controlling transfer (TCP/IP protocol refer to Col 7, Lines 30-40, inherently control the

transfer of data) of data between said information appliance and said remote or local

source so that said information appliance gathers data from said remote or local data

sources, and updating data in said information appliance from said gathered data .

9. Referring to Claim 13, Kikinis discloses an information appliance (PDA, refer to Col 9,

Lines 1-20) as claimed in claim 12 having means for permitting the appliance (emails,

refer to Col 8, Lines 45-60) to run the to communicate with said local or remote

computer program (Proxy server consists of codes, which embedded within Proxy

server which assist with transforming data, refer to Col 8, Lines 15-30 and Lines 45-60).

10. Referring to Claims 14 and 16 and 17, Kikinis discloses an information appliance

(PDA, refer to Col 9, Lines 1-20) wherein said appliance includes a display (LCD, refer

to Col 8, Lines 5-15) for displaying data (NanoBrowser program, refer to Col 8, Lines 5-

15) updates to a user and user control means for permitting the user to select (choose

to update, refer to Col 8, Lines 45-60) or reject displayed updated data.

11. Referring to Claim 18, Kikinis discloses wherein the user selects acceptance or

rejection of data by clicking a button or by making a sound (interactive selection link

inherent via clicking using mouse or keyboard, refer to Col 7, Lines 5-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

III. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kikinis (US 6,553,410) in view of Ozzie et al hereinafter Ozzie (US 6,446,113).

1. Referring to Claim 10, Kikinis discloses a system (PDA, refer to Col 8, Lines 5-15)

wherein said link rule (URL, refer to Col 7, Lines 15-30) and data (URL inherently

access data from the destination resources).

Kikinis does not expressly indicate the XML Structured textual language.

Ozzie discloses the XML structured textual language (refer to Col 2, Lines 15-67)

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine Kikinis and Ozzie.

The suggestion/motivation would have been that Kikinis mentioned the use of HTML, it

is on designer's choice of the programming language to use in term of coding the

system. XML is complementary to HTML (89, refer to Fig 4), thus, it is much more

dynamic for users/programmers to implemented their desired functionalities.

2. Referring to Claim 11, Kikinis discloses a system (PDA, refer to Col 8, Lines 5-15)

wherein said link rule (URL, refer to Col 7, Lines 15-30).

Kikinis does not expressly indicate the link rule specification in a binary representation

of the XML.

Ozzie discloses the link rule specification in a binary representation of the XML (refer to

Col 2, Lines 15-67)

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to combine Kikinis and Ozzie.

The suggestion/motivation would have been that Kikinis mentioned the use of HTML, it

is on designer's choice of the programming language to use in term of coding the

system. XML is complementary to HTML (89, refer to Fig 4), thus, it is much more

dynamic for users/programmers to implemented their desired functionalities.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

IV. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kikinis (US 6,553,410) in view of Watanabe et al hereinafter Watanabe (US

20010043417).

1. Referring to Claim 19, Kikinis discloses a difference between a data standard (HTML,

refer to Col 8, Lines 15-30) in said information appliance and the data standard (forms

which readily usable, refer to Col 8, Lines 15-30) of said local or remote data resource

and transforming data from said local or remote data source (Proxy Server 19, refer to

Fig 1 and 2, which inherently provides information) to the data standard of said

information appliance (PDA, refer to Col 9, Lines 1-20).

Kikinis does not disclose that the system consist the detecting function which detect the

differences in data.

Watanabe discloses the system consist of the detecting function which detect the

differences in data (refer to paragraph 0021).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine both references.

The suggestion/motivation for doing so would have been that Kikinis discloses the system would automatically convert the original data format to another once the initial process completed. It would only been obvious that the system consist a code which automatically knowing there will be a difference in file format. By having a dynamic system which would only change the data format would sufficiently save processing time and avoid the traffic bottlenecking when the system gets busy.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

KT

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